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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,275	03/23/2004	Eric Latulipe	9-2993-512US	1871

20988 7590 10/13/2005  
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CANADA

EXAMINER

HOPKINS, ROBERT A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,275

Applicant(s)

LATULIPE ET AL.

Examiner

Robert A. Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-25-05, 3-23-04</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group II, claims 7-18 in the reply filed on 9-23-05 is acknowledged.

Applicant's cancellation of non-elected claims 1-6 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

Claims 7-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 line 10 recites "the engine". There is a lack of antecedent basis for "the engine" in previous claim limitations. Correction is requested.

Claim 7 line 10 recites "the gearbox". There is a lack of antecedent basis for "the gearbox" in previous claim limitations. Correction is requested.

Claims 8-18 depend on claim 7 and hence are also rejected.

Claim 11 line 5 recites "the annular passage". There is a lack of antecedent basis for "the annular passage" in previous claim limitations. Correction is requested.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7,10,15-18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Care et al(6893478).

Care et al teaches a centrifugal air/oil separation system substantially positioned inside a rotatable hollow shaft(78) disposed substantially horizontally, the system comprising an annular separating chamber(figure 3) defined co-axially within the hollow shaft and adapted to rotate together with the hollow shaft, a stationary annular cavity(88) positioned at an end of the hollow shaft, communicating with a cavity of an engine disposed outside a gearbox(from inlet 64), for collecting an air/oil mixture therefrom such that the air/oil mixture is substantially isolated from contacting components inside the gearbox, a mixture inlet passage defined between the annular cavity and the annular separating chamber, permitting the air/oil mixture in the annular cavity to enter the annular separating chamber for centrifugal separation, an air outlet passage(66) defined through the annular cavity, communicating the annular separating chamber for discharging the air separated from the air/oil mixture in the annular separating chamber, and an oil outlet passage(85) for discharging liquid oil separated from the air/oil mixture in the annular separating chamber into the annular cavity. Care et al further teaches wherein the hollow shaft is rotatably supported at the end thereof by the stationary annular cavity, and an end portion thereof extends axially into the annular cavity. Care et al further teaches wherein the air/oil mixture inlet passage comprises a plurality of openings defined in a radial wall of the annular separating

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chamber adjacent to the annular cavity. Care et al further teaches wherein the annular separating chamber comprises a packing disposed therein and adapted to rotate with the annular separating chamber, the packing having a substantially rigid matrix adapted to inhibit collapse under centrifugal forces during rotation thereof, the matrix defining a plurality of flow passages permeable to the liquid oil and air for both axial and radial movement of the liquid oil and air therethrough. Care et al further teaches wherein the annular cavity comprises an outlet defined in a lower location of the annular cavity and being adapted for connection of a scavenging system. Care et al further teaches wherein the annular cavity comprises an inlet defined in the cylindrical wall of the annular cavity and being adapted for connection of the annular cavity of the engine.

***Allowable Subject Matter***

Claims 8,9,12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 recites "wherein the annular separating chamber is sealingly mounted within and radially spaced from the hollow shaft forming an annular passage defined between an interior of the hollow shaft and an exterior wall of the annular chamber, the annular passage being in communication with the annular separating chamber and the annular cavity and forming a part of the oil outlet passage". Care et al teaches an annular separating chamber which is directly adjacent to the hollow shaft(78), with no radial spacing from the hollow shaft. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide wherein the annular

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separating chamber is sealingly mounted within and radially spaced from the hollow shaft forming an annular passage defined between an interior of the hollow shaft and an exterior wall of the annular chamber, the annular passage being in communication with the annular separating chamber and the annular cavity and forming a part of the oil outlet passage because Care et al does not suggest such a modification. Claim 9 depends on claim 8 and hence would also be allowable upon incorporation of claim 8 into claim 7.

Claim 12 recites "wherein the air outlet passage comprises a central axial passage defined within an interior wall of the annular separating chamber and plurality of openings defined in the interior wall". Care et al teaches passage 94 which leads to the air outlet passage, but does not teach wherein the air outlet passage comprises a central axial passage defined within an interior wall of the annular separating chamber and plurality of openings defined in the interior wall. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide wherein the air outlet passage comprises a central axial passage defined within an interior wall of the annular separating chamber and plurality of openings defined in the interior wall because Care et al does not suggest such a modification. Claims 13 and 14 depend on claim 12 and hence would also be allowable upon incorporation of claim 12 into claim 7.

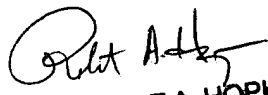
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah  
October 12, 2005

  
ROBERT A. HOPKINS  
PRIMARY EXAMINER  
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